

CLC Nutraceuticals, LLC
191 Spring Road
North Kingston, Rhode Island 02852
(401)8867600

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JUN 13 2007

June 13, 2007

Ms. Patricia Leith, Examiner
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

VIA FAX # 571 273-8300

Re: Patent Application 10/800,608

Dear Ms. Leith:

We are in receipt of your letter dated May 18, 2007 and received on May 23, 2007 with regard to the above reference patent application. In expectation of my telephone conference schedule for June 14, 2007 with you and possibly your supervisor, please be advised as follows.

1. You reject our claims because of the alleged prior art of Dr. Rink's Study. This is the study we hired Dr. Rink to conduct on our behalf to prove our theory regarding alfalfa sprout powder and upon which we base our patent application. We have provided you with an affidavit from Dr. Rink explaining that the study was completed as a work for hire on our behalf and that he, Dr. Rink, has never published the study or placed it into the public domain. The fact that after over three years of review of our patent application, you bring up Dr. Rink's study as part of a rejection three years after you had the study is to say at the least perplexing. We gave you this study as part of our application. We reference the study in our application as a study that was conducted at our direction. Despite years of correspondence, you never reject our claims for this so called "prior art" until this last letter. We find this incredulous and arbitrary.
2. You reject our claims because of the alleged prior art of Ms. Muldoon. While you do not reference this prior art in your reasoning of the letter, you do reference it as prior art. However, a reading of this article clearly shows that it is not prior art in conflict with our patent application. In short, this one paragraph article is a description of someone's diet which mentions that an athlete uses alfalfa powder with a banana for breakfast. While there is a general discussion that the athlete's whole diet is designed to meeting nutritional requirements including lower cholesterol, it doesn't not come close to rising to prior art. Our patent application states that alfalfa sprout powder, which is very different from alfalfa powder, in a particular dosage and taken in a particular manner will result in specific benefits to reduce cardiovascular